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IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

07TH JANUARY, 2026

MISC. APPLICATION (IA No.1 of 2025)

in

FIRST BAIL APPLICATION NO. 2097 of 2025

Shashikant Purohit

.....Applicant

Versus

State of Uttarakhand and Another

.....Respondents

Counsel for the Applicant : Mr. Aditya Singh, Advocate.

Counsel for the Respondent : Mr. Shobhit Saharia, Advocate.
No.2

Hon'ble Alok Kumar Verma,J.

Applicant is in judicial custody for the offence under Section 8 read with Section 22, Section 27 and Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, "Act, 1985") in NCB Crime No.111/NCB/DDN/Seiz/02 of 2025, registered at Narcotics Control Bureau, Dehradun Zone.

2. The Narcotics Control Bureau, Dehradun Zonal Unit checked a parcel Article No.EL526194355IN at Post Office, Phata, Rudraprayag Uttarakhand, which was sent by Royal Hardware, Palakkal Building Memury, Kerala Pin 686673 (Mobile No.9037797346) to in the name of Dr. S. Purohit, House No.6, Badasu, Post Office Phata, Kedarnath Road, Rudraprayag, (Uttarakhand)



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(Mobile No.9757183795). During checking, the said parcel 0.26 gm (26 Blots) of LSD Drugs was recovered and seized on the spot on 01.07.2025. The case has been registered as Case Crime No.2 of 2025.

3. Applicant was arrested on 02.07.2025 and on being produced before the learned District and Sessions Judge, Rudrapryag on 03.07.2025 was sent to judicial custody. The applicant's judicial custody was extended from time to time. Admittedly, the period of one hundred and eighty days expired on 29.12.2025, which was holiday.

4. Counter affidavit, filed by the respondent no.2, is taken on record.

5. Heard Mr. Aditya Singh, learned counsel for the applicant and Mr. Shobhit Saharia, learned counsel for the Narcotics Control Bureau, the respondent no.2.

6. During the pendency of the regular bail application, the applicant has filed a formal application on 30.12.2025 for default bail. The complaint has been filed by the respondent no.2 on 02.01.2026, on the opening of the trial court.

7. Proviso to sub-section (4) of Section 36 A of the Act, 1985 provides a mechanism for further extension of the investigation period in exceptional



circumstances.

8. These facts are not disputed that the complaint was not filed up to 01.01.2026 and no application was filed under the proviso to sub-section (4) of Section 36A of the Act, 1985 and the applicant filed a formal application for default bail on 30.12.2025.

9. Default bail under sub-section (3) of Section 187 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [sub-section (2) of Section 167 of the Code of Criminal Procedure, 1973] is an indefeasible right. Indefeasible right to be released on bail is created in favor of the accused, if charge-sheet/complaint is not filed on expiry of the statutory period. Under sub-section (4) of Section 36A of the Act, 1985, the maximum period, the accused can be detained in custody, is one hundred and eighty days. In cases involving commercial quantity of narcotic drugs or psychotropic substances, the prescribed period for completion of investigation shall be one hundred and eighty days.

10. A holiday on the 180th day does not extend the period. The indefeasible right of the accused accrues on the 180th day, regardless of it being a holiday. When the 180th day for filing a charge-sheet/complaint falls on a holiday, the period does not



get extended. The right to default bail accrues on the actual 180th day.

11. Mr. Shobhit Saharia, Advocate, has opposed the application for default bail. He submitted that in view of Section 10 of the General Clauses Act, 1897, the applicant is not entitled for default bail.

12. Per contra, Mr. Aditya Singh, Advocate, submitted that Section 10 of the General Clauses Act, 1897 is not applicable in the present matter. He has relied upon a judgment of the Hon'ble Supreme Court, passed in Criminal Appeal Nos.701-702 of 2020, **"Enforcement Directorate, Government of India vs. Kapil Wadhawan & Another"**, 2023 LiveLaw (SC) 249.

13. Accordingly, the Application (Misc. Application No. IA/1/2025), filed for default bail is allowed.

14. Let the applicant- Shashikant Purohit be released on bail upon furnishing a personal bond of Rs.40,000/- with two reliable sureties, each in the like amount, to the satisfaction of the court concerned subject to the following conditions:-

- (i) Applicant shall attend the trial court regularly and he shall not seek any unnecessary adjournment;
- (ii) Applicant shall not directly or indirectly make any inducement, threat or promise to any person, acquainted with the facts of this case;



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(iii) Applicant shall not leave the country without the previous permission of the trial court.

15. In the event the applicant fails to adhere to any of the said conditions, the prosecution agency shall be at liberty to move an application to cancel the bail, granted to the applicant.

16. First Bail Application (BA1 No.2097 of 2025) stands disposed of accordingly.

ALOK KUMAR VERMA, J.

Date: 07.01.2026
JKJ/Pant